Reg. No. K. 107

# KERALA GAZETTE

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XV] Trivandrum, Saturday, 17th October 1970 / 25th Asvina 1892 [No. 307

GOVERNMENT OF KERALA

**Law Department**

NOTIFICATION

No. 13351/H2/70/Law. *Dated, Trivandrum, 17th October, 1970; 25th Asvina, 1892.*

The following Ordinance promulgated by the Governor on the 17th October, 1970 is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
*Law Secretary.*

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

## ORDINANCE No. 18 OF 1970

## THE KERALA STAY OF RECOVERY OF ARREARS OF RENT ORDINANCE, 1970.

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

*AN*

*ORDINANCE*

*to provide for the temporary protection of tenants against proceedings for recovery of arrears of rent and for matters incidental thereto.*

*Preamble.*—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Stay of Recovery of Arrears of Rent Ordinance, 1970.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—(1) In this Ordinance, "Act" means the Kerala Land Reforms Act, 1963 (1 of 1964).

(2) Words and expressions used in this Ordinance shall have the meaning respectively assigned to them in the Act.

3. *Stay of suits, applications, etc., for arrears of rent.*—(1) Notwithstanding anything to the contrary contained in any other law, or in any contract, or in any judgment, decree or order of any court or Land Tribunal, with effect on and from the commencement of this Ordinance.—

(a) no suit or application or other proceedings for the recovery of arrears of rent in respect of a holding or part of a holding accrued due before the first day of May, 1968; or

(b) no application for, or proceedings in, execution of a decree or order for the recovery of such arrears of rent or other application or proceedings incidental or ancillary thereto,

shall lie in any court or Land Tribunal; and all suits, applications and other proceedings for recovery of such arrears of rent and all proceedings in execution of decrees or orders for recovery of such arrears of rent and other proceedings incidental or ancillary thereto, pending in courts or Land Tribunals at the commencement of this Ordinance, shall stand stayed.

(2) All appeals against decree or orders relating to arrears of rent in respect of a holding or part of a holding accrued due before the first day of May, 1968, and all revisions against decrees or orders relating to such arrears of rent, pending in any court or appellate authority at the commencement of this Ordinance, shall stand stayed, and no court or appellate authority shall proceed with any such appeal or revision filed after such commencement.

4. *Stay of certain applications.*—(1) Notwithstanding anything contained in section 132 of the Act, all proceedings pending in any court at the commencement of this Ordinance, in respect of any application filed or purported to have been filed under that section shall stand stayed.

(2) Notwithstanding anything to the contrary contained in any judgment or order of any court, all proceedings pending in any court or Land Tribunal at the commencement of this Ordinance, in respect of any application filed or purported to have been filed under sub-section (2) of section 45A of the Act, shall stand stayed.

5. *Limitation.* In computing the period of limitation for the institution of suits, applications or other proceedings prohibited under this Ordinance the time during which such suits, applications or other proceedings were prohibited under this Ordinance shall be excluded.

6. *Exemption.*—Nothing in this Ordinance shall apply in respect of any lease or tenancy exempted from the provisions of the Act by section 3 thereof.

V. VISWANATHAN,
*GOVERNOR*